

## **Mceathron, Kimberly**

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**From:** Venezia, Stephen  
**Sent:** Wednesday, July 31, 2013 2:02 PM  
**To:** Modigliani, Justine  
**Cc:** McEathron, Kimberly  
**Subject:** Re: Meeting with Salt Pile Consultants and NJDEP

Justine,

I set up an appointment with the consultants concerning the salt piles for 8/7 10AM (when the room gets approved and if you show interest, I'll let you know; shooting for 2521).

NJDEP is sending James Murphy, Brian McClendon, Kevin Ball and Kinder Morgan.

Michelle will probably be there and maybe Kate Anderson (my BC).

FYI: I'm not sure if I told you already but I talked to HQ (Bryan Rittenhouse deals with the EPA MSGP) and he said the solution we discussed (diverting the clean water from the tarp from the contaminated water from the open part of the pile) was OK.

I wanted to make sure you had all opportunities to attend or send a rep from DECA.

Thanks,

Steve

Stephen Venezia  
Stormwater Coordinator  
EPA Region 2  
290 Broadway, 24th Floor  
New York, NY 10007-1866  
212-637-3856

## Mceathron, Kimberly

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**From:** McEathron, Kimberly  
**Sent:** Wednesday, August 28, 2013 11:32 AM  
**To:** Ball, Kevin  
**Subject:** RE: Bayonne Dry Dock NJ

Thanks Kevin. I will add it to our inspection workplan to make sure someone from our office inspects it (if I don't). I will be in touch.

Kim

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-4211

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**From:** Ball, Kevin [mailto:Kevin.Ball@dep.state.nj.us]  
**Sent:** Wednesday, August 28, 2013 10:47 AM  
**To:** McEathron, Kimberly  
**Subject:** Bayonne Dry Dock NJ

Kimberly,

I promised this to you a couple weeks ago after the salt pile meeting. Here are some sampling results from Bayonne Dry Dock in NJ. We put this report together for upper management a couple years ago. I personally am concerned about their sister company GDM shipyard over in Brooklyn. This site is significantly larger than BDD and the aerials showing the grit storage being flooded is disturbing to say the least. I have much more if needed. Hopefully this is enough to get you started. Thanks.

Kevin Ball  
NJDEP

## Wong, Virginia

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**From:** Venezia, Stephen  
**Sent:** Thursday, November 14, 2013 8:41 AM  
**To:** Murphy, James  
**Cc:** McLendon, Brian; Ball, Kevin; Angelich, Michelle; Anderson, Kate  
**Subject:** RE: Salt Piles

James,

HQ and Region 2 had the conference call anyway and we came to the following conclusion.

In 40 CFR Part 122.2 (Definitions) you will find the definition of “Best management practices (“BMPs”).” The definition states the following:

*Best management practices* (“BMPs”) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

The key portion of the paragraph is “to prevent or reduce the pollution of “waters of the United States.” Since the methods put forth by the permittees does not reduce the pollutant load generated by the facilities during a storm event, it therefore does not “prevent or reduce” pollution of the waters of the United States.

HQ’s Water Permits Division/Municipal Branch staff and Region 2 CWRB agree that the permittees’ proposed methods do not qualify as an acceptable BMP practice.

If you and Kevin wish to discuss this further, I would be glad to talk to you.

Thank you,

Stephen Venezia  
Stormwater Coordinator  
EPA Region 2  
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## Mceathron, Kimberly

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**Sent:** Thursday, November 14, 2013 8:41 AM  
**To:** Murphy, James  
**Cc:** McLendon, Brian; Ball, Kevin; Angelich, Michelle; Anderson, Kate  
**Subject:** RE: Salt Piles

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The key portion of the paragraph is “to prevent or reduce the pollution of “waters of the United States.” Since the methods put forth by the permittees does not reduce the pollutant load generated by the facilities during a storm event, it therefore does not “prevent or reduce” pollution of the waters of the United States.

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If you and Kevin wish to discuss this further, I would be glad to talk to you.

Thank you,

Stephen Venezia  
Stormwater Coordinator  
EPA Region 2  
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212-637-3856

## Mceathron, Kimberly

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**From:** McEathron, Kimberly  
**Sent:** Monday, April 14, 2014 8:54 AM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Hi Kevin, I was going to call you now but I can't find your phone number. Can you either email it to me or give me a call.

Thanks!

Kim

~~~~~

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Monday, April 14, 2014 8:42 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

Kimberly,

I'm around today, just give me a heads-up what time you plan to call so I can make sure I'm around my phone, thanks.

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Friday, April 11, 2014 2:49 PM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

I'm in the office all day on Monday and supposedly Christine is as well. I will plan on speaking with both of you then.

Thanks,

Kim

~~~~~

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Friday, April 11, 2014 2:48 PM

**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

OK, thanks. Actually they upped the date and held the meeting yesterday. I'm going out right now, mind if I call you on Monday?

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Friday, April 11, 2014 2:29 PM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Hi Kevin, I wanted to speak with Christine before I responded to your email, I have left her a few voicemails and then I was out on inspections all this week so we have not spoken yet (I'm not ignoring you). I will def respond before the 15<sup>th</sup>.

Kim

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Thursday, April 03, 2014 9:07 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

Kimberly,

You asked for the Point Source Permit for review right before our site visit. As you know, the permit is in the renewal process and myself and a couple other co-workers expressed some fairly serious concerns about the original that was going out for renewal. Two of us submitted written comments on the internal. In my comments, I requested our permitting group to increase the internal comment period and include EPA; the written response was "thank you for your comment", so I'm not sure what their plans are at this point. After our joint site visit, their group seems to be more receptive to our comments so hopefully I can get that to you. Yesterday my management scheduled a meeting w/ all involved for the 15<sup>th</sup>. I'm a bit of a lone voice in the room, since I'm bringing to light what I feel are oversights by the enforcement/point source permitting bureau. I'm not happy with the current condition of the site at this stage in the permitting process. Of the sites many problems, I'm concentrating mostly on the discharge from the dry dock area as my primary concern. If there's anything you can send me re: your perspective/recommendations for this site, that would help me at this meeting. Also, I'm sure you have access to the original combined storm water/surface water permit that we were all concerned about, if not I can send one to you. Regardless, I think EPAs review of the renewal permit would be helpful. I can be reached at 609-984-3711 if you want to reach me (since these emails are a little long).

Thank you  
K Ball

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Wednesday, April 02, 2014 4:09 PM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Hi Kevin,

Thanks for bringing this facility to the attention of EPA. I know that my time at the Bayonne dry dock will be very helpful for when I venture out to other facilities. I will let you know how my inspection turns out at the other facility. I took many pictures myself so no need to send me yours. I looked at your slides and there are some pretty impressive (in a bad way) photos of what the site has looked like in the past and during a rain event. It's great they've made some progress and hopefully they will make more!

Kim

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Wednesday, April 02, 2014 11:27 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

Kimberly,

Thanks for your time yesterday, I hope the site visit was informative. I'm compiling and labeling our photos now if you need any. I appreciate your thoroughness. It was refreshing to see that EPA has someone with your experience working on the industrial side. We're glad you were able to join us. Hope to talk to you soon.

Thanks again.... and you actually have a nice watch (even though it has really huge numbers).

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Monday, March 31, 2014 12:04 PM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Yes, my work phone number below (212-637-4228) forwards to my cell phone when I'm out of the office.

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Monday, March 31, 2014 12:03 PM  
**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

Is the number provided your cell phone (just in case)?

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Monday, March 31, 2014 11:59 AM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Great I will see you there.

\*\*\*\*\*

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Monday, March 31, 2014 11:01 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

Kimberly

We're looking at 10:30 at the MOTBY entrance (not at the drydock entrance at the end of the peninsula). I requested the site visit to be unannounced w/ our enforcement. The down side is that we can't guarantee the ship that was present a couple weeks ago will still be there. Hope everything works out, see you tomorrow.

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Monday, March 31, 2014 8:18 AM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Hi Kevin,

Although I am in the enforcement group (our permitting group is a separate division) I would be interested in seeing the permit. If EPA is to formally review the permit and provide comments it would be through our permitting group so I would coordinate with them.

Kim

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Thursday, March 27, 2014 10:23 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

Kimberly,

As of now there is a ship in the dry dock- not sure what's being done to it. This is the best notification we can do for now. Usually the ships are in there for weeks at a time for major repairs. Let's schedule it, and if the ships not there when we get to the gate, you can determine if you want to go in or not. We have to get some info. re: the drainage for one of their pumps anyway. Also, their permit for the point source discharge is being circulated for internal review. There are some internal concerns right now. I know you guys get the draft, but I suggested an extension and for Region 2 to get included on the internal review. Not sure if they're going to grant my request or not. If so, do you want a copy for review? I think it will help your group in understanding the many concerns w/ this industry.

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Wednesday, March 26, 2014 1:31 PM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Excellent point. Let me know what the plan is next week.

~~~~~

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Wednesday, March 26, 2014 8:51 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

One last thing, the trip won't be very rewarding if there isn't a ship in the yard. I'm trying to find out now if ones in there. I don't know if you can see the facility in your travels, but if you can, take note if you see a ship and let me know. I'm asking our enforcement officer to try to find out before we go out. I try to keep our inspections unannounced. I'll keep you posted if I hear anything either way.

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Tuesday, March 25, 2014 4:50 PM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Hi Kevin, that works for me. I can meet you there on the 1<sup>st</sup> around 10:30-11 ish.

Kim

~~~~~

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Tuesday, March 25, 2014 4:27 PM  
**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

Kimberly,

It looks like April 1<sup>st</sup> is the best fit. Let me know if that's OK w/ you. I usually get there around 10:30-11:00.

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Tuesday, March 25, 2014 3:18 PM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Hi Kevin, Yes. Preferably April 1 or 3<sup>rd</sup>.

Thanks.  
Kim

~~~~~

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Tuesday, March 25, 2014 11:25 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

Kimberly,

Are you still interested in conducting a site visit w/ our group on the dates listed below?

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Wednesday, March 19, 2014 3:55 PM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Hi Kevin,

Let's start with setting up a date/time for me to come along with you to the NJ site. I'm available April 1-3, do any of those dates work for you? I have the sampling results from sampling done in 2008 and 2010 with the report you emailed

me on 8/28/2013. If you have any more recent data, any recent inspection reports or enforcement actions please send those to me to review before I go out with you.

Thanks!

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Wednesday, March 19, 2014 3:31 PM  
**To:** McEathron, Kimberly  
**Subject:** RE: NY/NJ Shipyards

I can go public in the next month or so, but I can go internal w/ your group anytime. We did a lot of work on these and have a pretty good background. Our guy (and yours) has quite a track record over here- multiple ACO's, air, solid/haz. Waste/and water. Now we're looking at the sediment contamination and it's raised eyebrows in our remediation Dept. It's a complicated industry (I used to work in it actually). Some of our bureaus made some simple permitting oversites by not understanding how/when/where releases occur. I'm trying to address some of those errors now. You'll be able to benefit from these. If you want our data/reports, I can send it to you anytime (in particular we have a paper regarding the sediment contamination that's really enlightening). Also, if you want to come over to NJ and get a primer on what to look for before you inspect your site, I can take you on a site visit to our guy. Let me know either way- good to hear you're looking into it.

KB

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**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Wednesday, March 19, 2014 2:37 PM  
**To:** Ball, Kevin  
**Subject:** RE: NY/NJ Shipyards

Hi Kevin,

Of course I remember you. I had the Brooklyn Navy Yard added to EPA's inspection work plan for this fiscal year (we just finalized it) and so I will be conducting the inspection by September. I can go out soon but I figured there may be more activity at the site come Spring. When do you plan on going to public comment for the permit?

Thanks,  
Kim

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.state.nj.us>]  
**Sent:** Wednesday, March 19, 2014 2:33 PM  
**To:** McEathron, Kimberly  
**Subject:** NY/NJ Shipyards

Kimberly,

I'm not sure if you remember me but we met re: the salt piles in Pt. Newark. I mentioned after the meeting that we had concerns w/ one of permittees in NJ, a shipyard in Bayonne. I told you that they had a sister company at the Brooklyn Navy Yard that looked far worse than the one we're dealing with in NJ. Right now I'm drafting the renewal permit for our guy and was wondering if been to the Brooklyn site yet. If so, I'd like to talk to you to compare notes before I go out to public comment on my permit. Let me know either way, thanks.

Kevin Ball  
NJDEP

## Mceathron, Kimberly

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**From:** Ball, Kevin <Kevin.Ball@dep.state.nj.us>  
**Sent:** Wednesday, April 30, 2014 10:50 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: BDD draft permit

Kim,

Sorry, I was out of the office for a few days and just got back today. I'm told to get my draft for BDD ready ASAP as of today. The latest is that the permit is split now and that they want to send both the stormwater and point source permits out at the same time. Again, this could change. The point source permit is in the DEP Bulletin, but it looks like the permit hasn't been sent out yet.

Kevin

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**From:** McEathron, Kimberly [mailto:McEathron.Kimberly@epa.gov]  
**Sent:** Thursday, April 24, 2014 1:28 PM  
**To:** Ball, Kevin  
**Subject:** BDD draft permit

Hi Kevin,

Can you please send me a copy of the draft Bayonne Dry Dock permit (or where I can access it) and any comments on it so I can discuss it with EPA's permitted people.

Thanks,

Kim

\*\*\*\*\*

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## Mceathron, Kimberly

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**From:** McEathron, Kimberly  
**Sent:** Monday, May 05, 2014 4:57 PM  
**To:** Ball, Kevin  
**Subject:** RE: Bayonne

Thanks Kevin. I will discuss the permit with EPAs permitting people.

Kim

~~~~~

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**From:** Ball, Kevin [mailto:Kevin.Ball@dep.state.nj.us]  
**Sent:** Monday, May 05, 2014 11:31 AM  
**To:** McEathron, Kimberly  
**Subject:** Bayonne

Kim,

Here is what was sent out on Thursday (I was told it was going out together with mine). I didn't see the monitoring section or specific requirements in the PDF in the draft. I sent an email requesting them and will forward them to you as I get them. As for internal comments, I'm attaching those from my bureau (these were submitted about 2 weeks ago and most seem to still be valid based on the PDF provided). Other comments were submitted from the Surface Water Permitting Bureau as well. Most changes in this permit (in my opinion only minor ones were made) come only after comments were submitted from myself and a coworker from Surface Water Permitting and then were included only after intense inter-office discussions. The short version of our remaining and more significant concerns that were not addressed are:

- 1- The surface water permit was produced in a very short period of time in 2006 with minimal background research outside of the Departments standardized procedures as stated by the permit writer. The initial DSW permit utilized groundwater remediation numbers (about 10x's the normal limits if they were given the normal zero dilution factor as other DSW permits). I was told these were interim measures in 2006 so the facility would have some coverage at the time. I was disappointed to see that these numbers were being incorporated in the renewal permit. To summarize, the facility began operation in about 1998 without NJPDES permit coverage. I discovered the facility in 2006 and brought them in for permitting. With the provisions in the draft permit, the facility is now to be given 2 permit cycles (10 years of coverage) with limitations not offered to other facilities. When (if) the dilution study is done, about 3 years into their next cycle, they will have gone 21 years of operation without having proper limitations.
- 2- The previous permit allowed BDD to sample water that is essentially bay water. As you saw, most of the water coming in through the caisson gate travels about 20 feet and into the sump system without contacting anything. This is the bulk of the samples submitted, as stated by BDD. Samples were also accepted by Surface Water Permitting for the 9 month shut down period after Hurricane Sandy. The previous permit also allowed sampling to occur prior to working on vessels. The exceedences that did register during the first permit cycle (one hit for copper was 3,250 percent over the limit) likely account for only a fraction of what is being

discharged, this goes the same for any monetary fines (about \$800,000). Conclusions were based on the numbers submitted under the first permit and incorporated into the draft renewal permit, i.e. WET Testing results/decreased monitoring. Just one incident that may put these concerns into perspective regarding the potential significance of the monitoring inaccuracies in the permit: *how did the facility pass a wet test with such high exceedences with a species sensitive to copper and with no treatment?*

- 3- Several staff members, including enforcement along with BDD staff stated that there is a second discharge with a pump capable of pumping out 85 million gallons a day (the volume of the filled dry dock). The Surface Water Permitting bureau chooses not to acknowledge this discharge in the previous or draft permit. Would this change the calculation from a minor/major? At the very least, this pump has the potential to release substantial pollutants from residual waste left in the dry dock.
- 4- The flow chart in the fact sheet includes stormwater as a discharge source in the dry dock yet there is no wet weather sampling. As you saw, most source materials in the dry dock are not mobilized or come into contact w/ the caisson gate leak. Without wet weather sampling, the Department can't actually gauge the discharges from this site nor the effectiveness of any BMPs or future treatment installed. With these shortcomings, we are only seeing a fraction of the violations and releases occurring at the facility and we are potentially grossly underestimating the magnitude of these releases.

## Mceathron, Kimberly

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**From:** McEathron, Kimberly  
**Sent:** Tuesday, May 06, 2014 5:24 PM  
**To:** Ball, Kevin  
**Subject:** RE: BDD

Thanks Kevin.

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---

**From:** Ball, Kevin [mailto:Kevin.Ball@dep.state.nj.us]  
**Sent:** Tuesday, May 06, 2014 10:03 AM  
**To:** McEathron, Kimberly  
**Subject:** BDD

Here's the PDFs w/ Parts III & IV. Keep me posted. Thanks.



## Mceathron, Kimberly

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**From:** Josilo, Michelle  
**Sent:** Tuesday, May 06, 2014 9:47 AM  
**To:** Rios, Jacqueline; Stephansen, Stanley; McEathron, Kimberly  
**Subject:** FW: Bayonne  
**Attachments:** Bayonne Dry Dock Draft Permit Action.pdf

Stan, Kimberly – Yes, I had asked Jacqueline to take a look at this permit when it was released.

Jacqueline - Can you please follow up as we discussed and give Kimberly a call?

Thanks all,  
Michelle

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**From:** Stephansen, Stanley  
**Sent:** Tuesday, May 06, 2014 8:01 AM  
**To:** Josilo, Michelle  
**Subject:** FW: Bayonne

Hi Michelle:

Who would be the best person for Kimberly McEathron in DECA to talk to regarding the draft permit for a minor industrial discharger in NJ – Bayonne Dry Dock. I believe this was mentioned at the last section meeting (Jacqueline?).

Thanks,  
Stan

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**From:** McEathron, Kimberly  
**Sent:** Monday, May 05, 2014 11:42 AM  
**To:** Stephansen, Stanley  
**Subject:** FW: Bayonne

Hi Stan,

I inspected the Bayonne Dry Dock facility in Bayonne, NJ on 4/1/2014 and it's draft individual industrial wastewater discharge permit (NJPDES Permit Number NJ0225746) has been public noticed by NJDEP (see attached). I'm wondering if EPA is reviewing this permit (I know it's a minor discharger so the answer may be no) and who would be the right person here at EPA for me to talk to from the permitting side about some concerns I have based on my observations at the Facility.

Thanks,

Kim

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007

Phone: (212) 637-4228

Fax: (212) 637-3953

## Mceathron, Kimberly

---

**From:** McEathron, Kimberly  
**Sent:** Wednesday, May 07, 2014 4:30 PM  
**To:** Rios, Jacqueline  
**Subject:** FW: BDD  
**Attachments:** BDD Draft Permit Action Re-Send.pdf; BDD Flow Diagram.pdf; BDD USGS MAP.PDF

Here you go.

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** Ball, Kevin [mailto:Kevin.Ball@dep.state.nj.us]  
**Sent:** Tuesday, May 06, 2014 10:03 AM  
**To:** McEathron, Kimberly  
**Subject:** BDD

Here's the PDFs w/ Parts III & IV. Keep me posted. Thanks.

## Mceathron, Kimberly

---

**From:** Josilo, Michelle  
**Sent:** Friday, May 09, 2014 11:47 AM  
**To:** Rios, Jacqueline; Pylypchuk, Sieglinde  
**Cc:** McEathron, Kimberly  
**Subject:** FW: Bayonne Dry Dock Draft Permit  
**Attachments:** BDD Draft Permit Action.pdf; BDD Flow Diagram.pdf; BDD USGS Map.pdf

Please see the forwarded materials for the file copy of the draft permit as transmitted by NJDEP. Siegi, please track and file and Jacqueline, as discussed please review and prepare any necessary comments.

Thank you.  
Michelle

---

**From:** Rosenwinkel, Susan [mailto:Susan.Rosenwinkel@dep.state.nj.us]  
**Sent:** Friday, May 09, 2014 11:42 AM  
**To:** Josilo, Michelle  
**Cc:** Brogle, Janice; Patterson, Pilar  
**Subject:** Bayonne Dry Dock Draft Permit

Hi Michelle –

As per your request, attached is a copy of the Bayonne Dry Dock draft permit action as issued on May 1, 2014. The comment period will close on June 2, 2014. Feel free to contact Pilar or myself if you have any questions.

Thanks and have a good week-end –

Susan Rosenwinkel  
Supervising Environmental Engineer  
Bureau of Surface Water Permitting  
(609) 292-4860

## Mceathron, Kimberly

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**From:** McEathron, Kimberly  
**Sent:** Tuesday, May 20, 2014 8:56 PM  
**To:** Rios, Jacqueline  
**Cc:** Modigliani, Justine; McKenna, Douglas; Josilo, Michelle  
**Subject:** RE: Bayonne Dry Dock -- draft comments

Hi Jacqueline,

I have the following input regarding the draft Bayonne Dry Dock permit and the comments you've put together:

1. The Fact Sheet states that "the facility has the option of sending the sump discharge through a filter sock which can aid in the removal of suspended solids." To bolster your last draft permit comment listed below, I would add this specific BMP as an example of what should be used, especially since they have exceeded effluent limits for total suspended solids. We had discussed this so please let me know if there's a particular reason to exclude it.
2. The Flow Diagram and Facility discharge locations do not include the large pumps and outfall used to initially empty the dry dock when a vessel is first brought in. The sump pump discharge to Outfall DSN 001A is a smaller sump pump used to dewater groundwater infiltration etc. while the dock is dry and the vessel is being worked on. The NJ and the NY facilities operate the same way with large pumps for initial emptying and small sump pumps to keep groundwater and bay water pumped out. The Facility representative stated that the large pumps quickly remove the water when a vessel first comes in but lose suction when 3 -4 feet of water remains in the dry dock. The small sump pumps are then used to dewater the remaining 3 – 4 feet and run intermittently to keep the dock dry. Currently, the NY facility only has coverage under the MSGP and I anticipate that the large and small pumps will be required to get individual permit coverage at the NY facility. To be consistent and to capture all discharge points, specifics regarding the large pump discharges at the NJ facility should be included in this discharge permit.

Thanks for including me in this process and let me know if you have any further questions for me. If you'd like to talk further about this I will be done with my inspection tomorrow by 4 ish and then I'm back in the office on Thursday and Friday.

Kim

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** Rios, Jacqueline  
**Sent:** Tuesday, May 20, 2014 11:16 AM  
**To:** McEathron, Kimberly  
**Subject:** Bayonne Dry Dock -- draft comments

[https://fortress.wa.gov/ecy/wqreports/public/f?p=110:1000:1416588227368160::NO:RP:P1000\\_FACILITY\\_ID,P1000\\_FACILITY\\_NAME:23849623,NORTHLAKE%20SHIPYARD%20INC](https://fortress.wa.gov/ecy/wqreports/public/f?p=110:1000:1416588227368160::NO:RP:P1000_FACILITY_ID,P1000_FACILITY_NAME:23849623,NORTHLAKE%20SHIPYARD%20INC)

I am drafting the comment letter for Bayonne Dry Dock. A permit for a facility in Washington State (North Lake Shipyard – link above) includes specific BMPs that I would like to recommend for the Bayonne Dry Dock if you think they would apply. I have attached the permit. See Section S8 (pages 16-21 in the permit) for the conditions I think could be applicable and would include in my comment letter as an attachment.

Here's what I have so far for draft comments (I try to reference NJ's own rules for the requirements):

- Limits in the draft permit, carried forward from the existing permit, are based on NJAC 7:14A-12-11, Appendix B. NJAC 7:14A-12-11, Appendix B lists "Effluent Standards for Site Remediation Projects." The Bayonne Dry Dock is not a site remediation project. Instead, it is a new source and the limits must be based on water quality standards, or, if permitted under NJAC 7:14A-13.3(c)(5), the "Effluent Standards for New Sources, New Discharges or Expanded Direct Discharges" at NJAC 7:14A-12-11, Appendix C.
- Based on the fact sheet, Bayonne Dry Dock has a reasonable potential to exceed the water quality standard for manganese. As such, according to NJAC 7:14A-13.2(a)(2), 7:14A-13.5(a) and 7:14A-13.5 (b), the permit for Bayonne Dry Dock must include a water quality based effluent limit for manganese.
- The draft permit includes annual whole effluent toxicity testing. Table 14-1 of NJAC 7:14A-14.2(a) specifies that the monitoring schedule requirement for all minor industrial facilities for whole effluent toxicity monitoring frequency is once per quarter.
- The draft permit decreases the monitoring frequency for total suspended solids and oil and grease from once per two weeks to once per month. According to NJAC 7:14A-14.2(c), the monitoring frequency for any parameter or group of parameters will be decreased when a permit specifies conditions for monitoring frequency reduction and the permittee complies with all conditions. In the case of total suspended solids and oil and grease, the permittee does not comply with the existing limits for these parameters, therefore, the monitoring frequency should not be reduced. According to the EPA's NPDES Permit Writer's Manual, a facility with problems achieving compliance generally should be required to perform more frequent monitoring to characterize the source or cause of the problems or to detect noncompliance. As such, as there have also been exceedances of the existing limits for copper, lead and zinc, NJDEP should also consider increasing the frequency for metals monitoring to once per two weeks.
- For mercury, dilution is not permitted under NJAC 7:9B-1.5(h), and the recommended quantitation level (RQL) of 1 µg/l in the draft permit is greater than the human health surface water quality criterion of 0.051 µg/l. As such, the monitoring will not provide data acceptable to determine reasonable potential to exceed the water quality standard or compliance with water quality standard. The permit must specify that the discharger use EPA method 1631E for mercury so that the data will provide sufficiently sensitive detection limits to determine reasonable potential to exceed the water quality standard.
- For chlordane, dieldrin and additional pollutants, dilution is not permitted under NJAC 7:9B-1.5(h), and the RQL in the draft permit is greater than the human health surface water quality criterion. As such, the monitoring will not provide data acceptable to determine reasonable potential to exceed the water quality standard or compliance with water quality standard. The permit must specify that the discharger use an approved analytical method that will provide sufficiently sensitive detection limits to determine reasonable potential to exceed the water quality standard. For instance, EPA method 608 provides detection limits lower for pesticides than the RQL listed in the draft permit.
- NJAC 7:14A-6.2(b)(1)(iv) states that permits shall include best management practices when the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the State and Federal Acts. Bayonne Dry Dock has exceeded its permit limits. The permit for North Lake Shipyard in Washington State (Permit WA0030864), included in Attachment 1, includes specific best management practices for a dry dock that may be helpful to NJDEP in specifying best management practices to achieve effluent limitations. NJDEP should consider incorporating these specific best management practices in the permit for Bayonne Dry Dock.

I hope to have a draft letter ready by the end of this week so that EPA can send the comment letter next week (before the end of the public comment period). Your input/knowledge on this is greatly appreciated.

Jacqueline Ríos, Environmental Engineer  
NPDES Section, Clean Water Regulatory Branch  
EPA Region 2, CWD  
Phone: 212-637-3859

## Mceathron, Kimberly

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**From:** Rios, Jacqueline  
**Sent:** Thursday, May 22, 2014 8:33 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: Bayonne Dry Dock -- draft comments

Thanks for the report. I'll drop by your cube at 3:30 pm so we can discuss the outfall issue so I can make sure the comment is worded correctly.

See you then.

Jacqueline

---

**From:** McEathron, Kimberly  
**Sent:** Wednesday, May 21, 2014 6:27 PM  
**To:** Rios, Jacqueline  
**Subject:** RE: Bayonne Dry Dock -- draft comments

Hi Jacqueline,

Attached is the sediment report for the Bayonne Dry Dock facility. Can we meet tomorrow (Thursday) at 3:30 pm? I should definitely be back by then. Come to my cube and we can discuss.

To clarify your outfall questions...A second outfall (001B) was not visible at the time of my site visit and the large pumps were not in use while I was there and the piping is under ground. That means my actual observations are limited and it's only anecdotal that there is actually a separate outfall for the large pumps from the small sump pump. We can discuss this further tomorrow but ideally I would like the actual outfalls present and various pumps used sorted out in this permit cycle.

Thanks,

Kim

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** Rios, Jacqueline  
**Sent:** Wednesday, May 21, 2014 9:03 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: Bayonne Dry Dock -- draft comments

Thanks. I have incorporated your comments into my letter. There is a sediment report that I was told you have that I should look at in assembling my comments. Can we set up a time Thursday to go over it? I am free anytime except 9 am to 10 am. I can come to your office. I'll email you the latest draft of my letter later today.



Thanks again for all your help.

Jacqueline

---

**From:** McEathron, Kimberly  
**Sent:** Tuesday, May 20, 2014 8:56 PM  
**To:** Rios, Jacqueline  
**Cc:** Modigliani, Justine; McKenna, Douglas; Josilo, Michelle  
**Subject:** RE: Bayonne Dry Dock -- draft comments

Hi Jacqueline,

I have the following input regarding the draft Bayonne Dry Dock permit and the comments you've put together:

1. The Fact Sheet states that "the facility has the option of sending the sump discharge through a filter sock which can aid in the removal of suspended solids." To bolster your last draft permit comment listed below, I would add this specific BMP as an example of what should be used, especially since they have exceeded effluent limits for total suspended solids. We had discussed this so please let me know if there's a particular reason to exclude it.
2. The Flow Diagram and Facility discharge locations do not include the large pumps and outfall used to initially empty the dry dock when a vessel is first brought in. The sump pump discharge to Outfall DSN 001A is a smaller sump pump used to dewater groundwater infiltration etc. while the dock is dry and the vessel is being worked on. The NJ and the NY facilities operate the same way with large pumps for initial emptying and small sump pumps to keep groundwater and bay water pumped out. The Facility representative stated that the large pumps quickly remove the water when a vessel first comes in but lose suction when 3 -4 feet of water remains in the dry dock. The small sump pumps are then used to dewater the remaining 3 – 4 feet and run intermittently to keep the dock dry. Currently, the NY facility only has coverage under the MSGP and I anticipate that the large and small pumps will be required to get individual permit coverage at the NY facility. To be consistent and to capture all discharge points, specifics regarding the large pump discharges at the NJ facility should be included in this discharge permit.

Thanks for including me in this process and let me know if you have any further questions for me. If you'd like to talk further about this I will be done with my inspection tomorrow by 4 ish and then I'm back in the office on Thursday and Friday.

Kim

\*\*\*\*\*

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

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**From:** Rios, Jacqueline  
**Sent:** Tuesday, May 20, 2014 11:16 AM  
**To:** McEathron, Kimberly  
**Subject:** Bayonne Dry Dock -- draft comments

I am drafting the comment letter for Bayonne Dry Dock. A permit for a facility in Washington State (North Lake Shipyard – link above) includes specific BMPs that I would like to recommend for the Bayonne Dry Dock if you think they would apply. I have attached the permit. See Section S8 (pages 16-21 in the permit) for the conditions I think could be applicable and would include in my comment letter as an attachment.

Here's what I have so far for draft comments (I try to reference NJ's own rules for the requirements):

- Limits in the draft permit, carried forward from the existing permit, are based on NJAC 7:14A-12-11, Appendix B. NJAC 7:14A-12-11, Appendix B lists "Effluent Standards for Site Remediation Projects." The Bayonne Dry Dock is not a site remediation project. Instead, it is a new source and the limits must be based on water quality standards, or, if permitted under NJAC 7:14A-13.3(c)(5), the "Effluent Standards for New Sources, New Discharges or Expanded Direct Discharges" at NJAC 7:14A-12-11, Appendix C.
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- The draft permit includes annual whole effluent toxicity testing. Table 14-1 of NJAC 7:14A-14.2(a) specifies that the monitoring schedule requirement for all minor industrial facilities for whole effluent toxicity monitoring frequency is once per quarter.
- The draft permit decreases the monitoring frequency for total suspended solids and oil and grease from once per two weeks to once per month. According to NJAC 7:14A-14.2(c), the monitoring frequency for any parameter or group of parameters will be decreased when a permit specifies conditions for monitoring frequency reduction and the permittee complies with all conditions. In the case of total suspended solids and oil and grease, the permittee does not comply with the existing limits for these parameters, therefore, the monitoring frequency should not be reduced. According to the EPA's NPDES Permit Writer's Manual, a facility with problems achieving compliance generally should be required to perform more frequent monitoring to characterize the source or cause of the problems or to detect noncompliance. As such, as there have also been exceedances of the existing limits for copper, lead and zinc, NJDEP should also consider increasing the frequency for metals monitoring to once per two weeks.
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- NJAC 7:14A-6.2(b)(1)(iv) states that permits shall include best management practices when the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the State and Federal Acts. Bayonne Dry Dock has exceeded its permit limits. The permit for North Lake Shipyard in Washington State (Permit WA0030864), included in Attachment 1, includes specific best management practices for a dry dock that may be helpful to NJDEP in specifying best management practices to achieve effluent limitations. NJDEP should consider incorporating these specific best management practices in the permit for Bayonne Dry Dock.

I hope to have a draft letter ready by the end of this week so that EPA can send the comment letter next week (before the end of the public comment period). Your input/knowledge on this is greatly appreciated.

Jacqueline Ríos, Environmental Engineer  
NPDES Section, Clean Water Regulatory Branch  
EPA Region 2, CWD  
Phone: 212-637-3859

## Mceathron, Kimberly

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**From:** Rios, Jacqueline  
**Sent:** Thursday, June 05, 2014 5:22 PM  
**To:** Pilar.Patterson@dep.nj.gov  
**Cc:** Anderson, Kate; Josilo, Michelle; Jim Murphy  
**Subject:** Bayonne Dry Dock  
**Attachments:** NY-NJ-1994-Copper\_etal-NY-NJ\_Harbor.pdf; San Diego CA0109151.pdf; SF Bay Genl permit.pdf

Pilar,

We appreciate the opportunity to review the draft permit for the Bayonne Dry Dock. As discussed during today's call, attached is the TMDL for the NY-NJ Harbor. The reference to the use of clean methods for metals is on page 22. Also, NJAC 7:9B-1.5(e) should provide you sufficient basis to require the use of method 1631E. The EPA expects the state permitting authority to require the use of a sufficiently sensitive EPA-approved method for monitoring under the permit in order to ensure that the sampling and measurements required are representative of the monitored activity as required by 40 CFR 122.41(j)(1)).

I have attached two permits as examples of prohibitions that can be used to clarify the intent of what can and cannot be discharged in Part III of the draft permit with regards to "process wastewater". I direct your attention to pages 8-9 of the SF Bay General permit (examples of which I provided during today's call) and pages 6-7 in the permit for the Southwest Marine permit in San Diego.

We look forward to working with the NJDEP in addressing our concerns. Please provide us with a proposed permit before issuing the final permit for Bayonne Dry Dock. We would also appreciate receiving a copy of the compliance order for Bayonne Dry Dock when it is issued.

Please feel free to call me if there are any questions.

Jacqueline Ríos, Environmental Engineer  
NPDES Section, Clean Water Regulatory Branch  
EPA Region 2, CWD  
Phone: 212-637-3859

## Mceathron, Kimberly

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**From:** McEathron, Kimberly  
**Sent:** Thursday, June 12, 2014 11:28 AM  
**To:** Ball, Kevin  
**Subject:** RE: Nasco Shipyard Permit

Very interesting. Thanks for the info.

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

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**From:** Ball, Kevin [mailto:Kevin.Ball@dep.nj.gov]  
**Sent:** Wednesday, June 11, 2014 1:27 PM  
**To:** McEathron, Kimberly  
**Subject:** FW: Nasco Shipyard Permit

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**From:** Schwall, Kristin@Waterboards [mailto:Kristin.Schwall@waterboards.ca.gov]  
**Sent:** Wednesday, June 11, 2014 1:15 PM  
**To:** Ball, Kevin  
**Subject:** RE: Nasco Shipyard Permit

Kevin,

Great to talk to you today. Nice to hear what's happening in other places. We have three shipyards in San Diego: Continental Maritime, BAE, and NASSCO. Continental Maritime has no dry docks and only does pier side work. BAE has a floating dry dock. NASSCO has a floating dry dock, two marine railways, and a graving dock. We have individual NPDES permits for all three with process water and storm water regulated.

We have established toxicity effluent limits for the storm water. Because they couldn't meet these effluent limits, they collect all storm water in large tanks and discharge it to the sewer after the rain stops.

The dry docks and graving docks require 72 hour notice before flooding and a video showing that it was clean.

At NASSCO, the marine railways and graving dock have effluent limits for both the hydrostatic relief water and the flood water. Because they couldn't meet the effluent limits, they installed an ion exchange treatment system for the hydrostatic relief water and flood water. The graving dock flood water is too large a volume for their treatment system so they have been ratcheting down their BMPs to control the discharge under a time schedule order. Their current proposal in addition to cleaning the dock is to only allow new ships to be coated with non-copper based paint. When existing ships with copper based antifouling paint come into dock for repair, they will still have issues with the copper effluent limit and I'm not sure how we are going to address this.

I am attaching the NPDES permit and time schedule for NASSCO. Orders for the other facilities are available at:  
[http://www.waterboards.ca.gov/sandiego/board\\_decisions/adopted\\_orders/](http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/)

Continental Maritime is Order No. R9-2008-0049.

BAE is Order No. R9-2009-0080.

Monitoring reports are available at the following website by entering the facility name or order number.

<https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportEsmrAtGlanceServlet?inCommand=reset>

I hope this helps. Call or e-mail me if you have questions.

Kristin

*Kristin K. Schwall, P.E.*

Water Resources Control Engineer

California Regional Water Quality Control Board

San Diego Region

E-mail: [kschwall@waterboards.ca.gov](mailto:kschwall@waterboards.ca.gov)

(619) 521-3368

2375 Northside Drive, Suite 100

San Diego, CA 92108

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**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.nj.gov>]

**Sent:** Wednesday, June 11, 2014 9:47 AM

**To:** Schwall, Kristin@Waterboards

**Subject:** Nasco Shipyard Permit

Kristen,

Thanks for the conversation re: your shipyard permit. Anything you can send to aide us in our endeavors over here in NJ would be extremely helpful. Looking forward to hearing from you and thanks again.

Kevin Ball

Bureau of Nonpoint Pollution Control

NJDEP

## Mceathron, Kimberly

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**From:** McEathron, Kimberly  
**Sent:** Tuesday, June 17, 2014 9:53 AM  
**To:** Ball, Kevin  
**Subject:** RE: BDD

If it's a physical address you need. See below. Thanks.

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

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**From:** Ball, Kevin [mailto:Kevin.Ball@dep.nj.gov]  
**Sent:** Tuesday, June 17, 2014 9:51 AM  
**To:** McEathron, Kimberly  
**Subject:** BDD

Kim,

I'm putting together the draft stormwater permit. At one point, you said you'd like to be copied for review. If you still want to be copied just give me an address where to send it and I'll put you on the distribution letter. Thanks.

Kevin

## Mceathron, Kimberly

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**From:** Rios, Jacqueline  
**Sent:** Tuesday, June 17, 2014 12:02 PM  
**To:** McEathron, Kimberly  
**Subject:** FW: email verification  
**Attachments:** Rating Sheet.pdf

FYI. I think my response with Kevin Ball crossed with his last message. Since he cc'd you, here's what I sent him about the major/minor issue. I know I found 4 facilities classified as majors in ICIS, but with NJDEP insisting that the flow is only 50,000 (the rest being water "transfer") and no flow data in ICIS to support a higher flow, I did not win the argument for to classify as a major.

Jacqueline Ríos, Environmental Engineer  
NPDES Section, Clean Water Regulatory Branch  
EPA Region 2, CWD  
Phone: 212-637-3859

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**From:** Rios, Jacqueline  
**Sent:** Tuesday, June 17, 2014 11:55 AM  
**To:** 'Ball, Kevin'  
**Subject:** RE: email verification

Hi Kevin,

I've attached the NPDES rating sheet. A facility is a major if it scores 80 points or more.

According to the NPDES permit ranking sheet, Dry docks get 30 points based on their SIC code (3731) (group 6 for factor 1: toxic pollutant potential), so I would think the starting point for dry docks is 30 points.

Facilities get additional points based on flow (factor 2). Because NJDEP insists the flow is only 50,000 gpd (and the DMR data is < 1MGD) and it a type II facility, it is flow code 21, worth only 10 points.

Conventional pollutants (based on BDD's data, TSS < 100 lbs/day, they score 0 points), Public Health impact (factor 4). Water Quality Factors (factor 5) is for facilities that discharge upstream of drinking water intakes, which doesn't apply to BDD, so 0 points. Proximity to Near Coastal Waters (because Bayonne Dry Dock discharges to the NY/NJ Harbor, a NEP program, it gets an additional 10 points for factor 6; but because NJ is claiming only 50,000 gpd, it only gets 3 points for the base score (code 3 x 0.1 based on flow code 21). During our call with NJDEP I argued that a higher flow (for the whole dry dock discharge) could tip it into major territory (50 points for flow > 10 MGD), but I lost that argument.

So that gives us a total of 53 points.

Site specific conditions at other facilities, e.g., if there is a waste load allocation for water quality standards at the facility gets it another 10 points or if the state is using a higher flow (the whole dry dock flow) it would get a substantially more points for factor 2 and could get the facility to score the 80 points it needs to be a major.

Hope this helps.

Jacqueline Ríos, Environmental Engineer  
NPDES Section, Clean Water Regulatory Branch



EPA Region 2, CWD  
Phone: 212-637-3859

---

**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.nj.gov>]  
**Sent:** Tuesday, June 17, 2014 11:10 AM  
**To:** Rios, Jacqueline  
**Subject:** RE: email verification

Jacqueline,

I'm way out of my understanding of the ranking system, but just a thought, Region 2 may have a consistency conflict if other states rank similar sized operations as "Majors".

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**From:** Rios, Jacqueline [<mailto:Rios.Jacqueline@epa.gov>]  
**Sent:** Monday, June 16, 2014 11:49 AM  
**To:** Ball, Kevin  
**Subject:** RE: email verification

Hi Kevin,

Yes. This is my email and I got your email to me.

I was in a meeting when you called. Just got out and got your email & voice mail. I may already have the permit/fact sheet for the San Diego permit if it is Permit No. CA0109151. I found it when looking up dry docks that are classified as major. I even sent the permit to Pilar (along with the SF Bay General permit) as an example to clarify what can be prohibited to be discharged in a dry dock permit.

Jacqueline Ríos, Environmental Engineer  
NPDES Section, Clean Water Regulatory Branch  
EPA Region 2, CWD  
Phone: 212-637-3859

---

**From:** Ball, Kevin [<mailto:Kevin.Ball@dep.nj.gov>]  
**Sent:** Monday, June 16, 2014 10:55 AM  
**To:** Rios, Jacqueline  
**Subject:** email verification

Jacqueline,

I'd like to send a link to you but first I want to make sure this is the right email address (I got it off your site). Please reply if you get this so I can forward the link, thanks.

## Mceathron, Kimberly

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**From:** Rios, Jacqueline  
**Sent:** Tuesday, July 01, 2014 3:13 PM  
**To:** McEathron, Kimberly  
**Subject:** FW: Bayonne Dry Dock - DSW Permit  
**Attachments:** Proposed Final Bayonne Dry Dock.pdf

Well, NJ did make some changes, but not really the overall large pump issue. Do you think the language regarding location description and “comments” on part III (page 18 of the file) are good enough? Kate is out until Tuesday and Thursday is my 4<sup>th</sup> of July holiday, but I’m around tomorrow and Monday through Thursday next week, although as you can see from Pilar’s email, they basically are saying they are going to send it out next Wednesday unless we make a stink.

Jacqueline Ríos, Environmental Engineer  
NPDES Section, Clean Water Regulatory Branch  
EPA Region 2, CWD  
Phone: 212-637-3859

---

**From:** Pilar Patterson [mailto:Pilar.Patterson@dep.nj.gov]  
**Sent:** Tuesday, July 01, 2014 1:58 PM  
**To:** Rios, Jacqueline; Josilo, Michelle; Anderson, Kate  
**Cc:** Janice Brogle; Susan Rosenwinkel; 'Murphy,Jim'; Rich Paull  
**Subject:** FW: Bayonne Dry Dock - DSW Permit

Jacqueline

As requested – attached is the Final Bayonne Dry Dock DSW portion NJPDES permit, modified as per our discussions. As you know, this permit regulates a single sump pump discharge of approximately 50,000 gallons per day - the stormwater aspects will be covered under a separate permit.

The agreed upon changes and clarifications are itemized in an attachment to the cover letter. We also reached out to our enforcement colleagues and requested they send a copy of the Administrative Order to you upon issuance.

We intend to sign and issue this permit on Wednesday, July 9<sup>th</sup>. Please advise if you would like any other specific changes.

While we are limited by our regulations in the scope of changes that we can make in a final permit (as compared to the draft permit), we did review the sample permits from California that you had provided. Our assessment is that these permit scenarios are very different from Bayonne Dry Dock. For example, the San Francisco Bay permit is a floating and graving dry dock facility as opposed to Bayonne Dry Dock which is on actual land with the potential for a treatment system to be utilized.

Excerpts from the San Francisco Bay permit are as follows:

### “I. SCOPE OF GENERAL PERMIT

Facilities that qualify for coverage under this Order include floating and graving dry dock facilities located within the San Francisco Bay Region. This includes all parts of the San Francisco Bay, San Pablo Bay, Suisun Bay, and parts of the Sacramento and San Joaquin River Delta, hereafter described as San Francisco Bay. These dry docks are used for repairing, constructing, and dismantling marine vessels. This Order covers discharges of water that wash over

the dry docks decks after cleaning when the dry docks are submerged or flooded. It also covers non-contact cooling water from ships awaiting maintenance in the dry docks, integral ballast water discharged from floating dry docks, salt water fire suppression water, and stormwater after dry dock decks are cleaned. This Order does not cover sanitary (sewage) wastewaters, process wastewaters used in ship dismantling operations, seepage water from graving dry dock walls, seepage water from graving dry dock caissons, ballast water from vessels in dry dock, or stormwater runoff from dry dock surfaces prior to cleaning.”

**“H.** Discharge of any power washing or pressure washing water, boiler drainage, or any process water used or accumulated in the dry dock area is prohibited.

**G.** Discharge of seepage water in graving dry docks from the dry dock walls or caisson, or stormwater runoff from the surface of dry docks when a vessel is being processed, is prohibited.”

In contrast, the Bayonne Dry Dock permit allows for treatment of pressure washing waters, seepage etc. with the expectation that this water will be treated to meet the effluent limits. As you know, the stormwater permit tends to focus more on BMPs rather than effluent limits and we will pass this language onto our stormwater group for consideration as they draft their separate NJPDES permit for stormwater discharges.

Similarly, the San Diego facility discharges all of its toxics wastes from drydock operations to the Metropolitan Sanitary Sewer System and are therefore prohibited from being discharged to the bay. The only discharges allowed to the Bay includes fire protection water, non-contact cooling water, floating drydock ballast tank water and floating drydock submergence/emergence water.

## Mceathron, Kimberly

---

**From:** Pilar Patterson <Pilar.Patterson@dep.nj.gov>  
**Sent:** Wednesday, July 02, 2014 12:41 PM  
**To:** Rios, Jacqueline; Anderson, Kate  
**Cc:** Janice Brogle; Susan Rosenwinkel; 'Murphy,Jim'; Rich Paull; Josilo, Michelle; McEathron, Kimberly  
**Subject:** RE: Bayonne Dry Dock - DSW Permit

Hi Jacqueline

Thanks for the quick response. We will incorporate your suggested language and proceed with permit issuance.

Happy Holiday Weekend!

Pilar

---

**From:** Rios, Jacqueline [mailto:Rios.Jacqueline@epa.gov]  
**Sent:** Wednesday, July 02, 2014 12:37 PM  
**To:** Pilar Patterson; Anderson, Kate  
**Cc:** Janice Brogle; Susan Rosenwinkel; 'Murphy,Jim'; Rich Paull; Josilo, Michelle; McEathron, Kimberly  
**Subject:** RE: Bayonne Dry Dock - DSW Permit

Pilar,

Thank you for addressing many of our concerns by including semi-annual WET testing, requiring EPA Method 1631E for mercury monitoring, requiring the outfall tag, and prohibiting the attainment of limits by dilution.

The language in Part III concerning the requirements in the Part III comment section still include language that is vague and may not be enforceable. Based on the site visit by Kim McEathron of our enforcement and compliance assistance division, I still have the following comments/concerns:

- On page 18 of Part III it states that “The drydock shall be cleaned of all residuals materials before discharge to DSN 001A can occur. Specifically, all source material and residual must be removed.” Based on the operations at the drydock, the drydock must also be cleaned prior to flooding with bay water.

I propose the following language (changed language in red):

The drydock shall be cleaned of all residuals materials before discharge to DSN 001A can occur **and the drydock shall be cleaned of all residuals materials before it is filled with bay water.** Specifically, all source material and residual must be removed.

- On page 18 of Part III, it goes on to state, “If a treatment system is installed, the dry dock should be pressure washed to ensure the drydock is free of all source materials before it is filled with bay water” The sentence is confusing because it lacks specificity concerning where the pressure wash water goes. Is the permittee expected to voluntarily use a treatment system? The type of treatment system needs to be specified or defined, otherwise, what is meant as “treatment system”?

I propose the following language (changed language in red):

If a treatment system, **such as an equalization tank, filtration, screening or pH adjustment system,** is installed **and utilized for all effluent discharged through DSN 001A,** the dry dock **shall** be pressure washed to

ensure the drydock is free of all source materials before it is filled with bay water. The pressure washwater shall be discharged through the treatment system via DSN 001A.

I will be out of the office tomorrow and Friday, but look forward to working with you to quickly resolve the above concerns.

Jacqueline Ríos, Acting Chief  
NPDES Section, Clean Water Regulatory Branch  
EPA Region 2, CWD  
Phone: 212-637-3859

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**Sent:** Tuesday, July 01, 2014 1:58 PM  
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## Mceathron, Kimberly

---

**From:** McEathron, Kimberly  
**Sent:** Tuesday, July 08, 2014 3:28 PM  
**To:** Ball, Kevin

Hi Kevin, I just got your message and I'm heading into a meeting, I'll give you a call tomorrow...

\*\*\*\*\*

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

## Mceathron, Kimberly

---

**From:** McEathron, Kimberly  
**Sent:** Tuesday, August 26, 2014 5:48 PM  
**To:** Christine Blaney  
**Subject:** RE: Bayonne Dry Dock Order

Hi Christine,

Thank you for following up with the site and keeping me in the loop.

Kim

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** Christine Blaney [mailto:Christine.Blaney@dep.nj.gov]  
**Sent:** Monday, August 25, 2014 3:16 PM  
**To:** McEathron, Kimberly  
**Cc:** Rich Paull; Don Hirsch; Christine Blaney; Kevin Ball  
**Subject:** Bayonne Dry Dock Order

Hi Kim,  
We had previously conducted a site visit together at Bayonne Dry Dock's facility back in April. Since that time I know you were interested in obtaining copies of the order once it was issued on our end. Attached is a copy of the cover letter and order signed by our Director. Feel free to call me with any questions.  
Thank you,  
Christine

Christine Blaney  
NJDEP  
Northern Bureau of Water Compliance and Enforcement  
7 Ridgedale Avenue  
Cedar Knolls, NJ 07927  
Office: 973-656-4099  
Fax: 973-656-4400  
Cell: 609-468-8849  
[Christine.blaney@dep.nj.gov](mailto:Christine.blaney@dep.nj.gov)  
1-877-WARN-DEP



## Mceathron, Kimberly

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**From:** McEathron, Kimberly  
**Sent:** Tuesday, September 02, 2014 9:12 AM  
**To:** Rios, Jacqueline  
**Subject:** RE: Bayonne Dry Dock

Thanks Jacqueline.

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

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**From:** Rios, Jacqueline  
**Sent:** Tuesday, September 02, 2014 8:43 AM  
**To:** McEathron, Kimberly  
**Subject:** FW: Bayonne Dry Dock

FYI

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**From:** Christine Blaney [<mailto:Christine.Blaney@dep.nj.gov>]  
**Sent:** Friday, August 29, 2014 12:36 PM  
**To:** Rios, Jacqueline  
**Cc:** Pilar Patterson; Susan Rosenwinkel; Don Hirsch; Rich Paull; Christine Blaney  
**Subject:** Bayonne Dry Dock

Hi Jacqueline,  
I am the enforcement case manager for the NJPDES permits at Bayonne Dry Dock. My colleagues in permitting had asked me to forward EPA a copy of our administrative order, see attached. Should you have any questions, feel free to call me.  
Thank you in advance,  
Christine

Christine Blaney  
NJDEP  
Northern Bureau of Water Compliance and Enforcement  
7 Ridgedale Avenue  
Cedar Knolls, NJ 07927  
Office: 973-656-4099  
Fax: 973-656-4400  
Cell: 609-468-8849  
[Christine.blaney@dep.nj.gov](mailto:Christine.blaney@dep.nj.gov)  
1-877-WARN-DEP

## Mceathron, Kimberly

---

**From:** McEathron, Kimberly  
**Sent:** Friday, May 29, 2015 11:17 AM  
**To:** Edan Rotenberg  
**Cc:** debbie@nynjbaykeeper.org; Christopher Len; Alice Baker; Reed Super  
**Subject:** RE: Bayonne Dry Dock DMRs

Hi Edan,

Thank you for putting this together and providing it to me/EPA. Have a nice weekend.

Kim

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

**From:** Edan Rotenberg [mailto:edan@superlawgroup.com]  
**Sent:** Friday, May 29, 2015 10:41 AM  
**To:** McEathron, Kimberly  
**Cc:** debbie@nynjbaykeeper.org; Christopher Len; Alice Baker; Reed Super  
**Subject:** Bayonne Dry Dock DMRs

Hi Kimberly,

Here is the spreadsheet I put together, comparing DMR data from the NJDEP Dataminer system from September 2014 through April 2015, to the effluent limits on the Bayonne Dry Dock sump pump (outfall 001A) set in the new NJPDES permit that DEP broke out for this outfall as of October 2014 (NJ0225746). As you can see from the highlighting, the sump pump discharge has violated and continues to violate copper effluent limits for seven of the last eight months, including 6 of 7 months on the new permit.

Edan

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Edan Rotenberg  
Super Law Group, LLC  
411 State Street, #2R  
Brooklyn, New York 11217

212-242-2355 (main)  
646-662-4271 (mobile)  
855-242-7956 (fax)

skype: edan.rotenberg  
[edan@superlawgroup.com](mailto:edan@superlawgroup.com)

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## Mceathron, Kimberly

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**From:** McEathron, Kimberly  
**Sent:** Tuesday, June 02, 2015 3:47 PM  
**To:** Blaney, Christine  
**Subject:** RE: Bayonne Dry Dock Order

Thanks Christine!

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** Blaney, Christine [mailto:Christine.Blaney@dep.nj.gov]  
**Sent:** Tuesday, June 02, 2015 3:35 PM  
**To:** McEathron, Kimberly  
**Subject:** RE: Bayonne Dry Dock Order

Hi Kim,  
Attached is the final ACO executed between the Department and Bayonne Dry Dock. Any questions, feel free to call me.  
Hope all is well on the other side of the river,  
Christine

Christine Blaney  
NJDEP  
Northern Bureau of Water Compliance and Enforcement  
7 Ridgedale Avenue  
Cedar Knolls, NJ 07927  
Office: 973-656-4099  
Fax: 973-656-4400  
Cell: 609-468-8849  
[Christine.blaney@dep.nj.gov](mailto:Christine.blaney@dep.nj.gov)  
1-877-WARN-DEP

---

**From:** McEathron, Kimberly [mailto:McEathron.Kimberly@epa.gov]  
**Sent:** Monday, May 11, 2015 10:10 AM  
**To:** Blaney, Christine  
**Subject:** RE: Bayonne Dry Dock Order

Hi Christine,

Thank you for the update. Can you please send me a copy of the final Consent Order when it's done. Interesting that they are now not affiliated (I do see that the websites have since split up and the New York facility has a different president who is not Michael Cranston...). I will proceed with the separate actions.

Kim

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** Blaney, Christine [<mailto:Christine.Blaney@dep.nj.gov>]  
**Sent:** Monday, May 11, 2015 10:02 AM  
**To:** McEathron, Kimberly  
**Subject:** RE: Bayonne Dry Dock Order

Hi Kim,  
Hope all is well. We have negotiated an Administrative Consent Order with Bayonne Dry Dock. We are awaiting a final signature from both parties. The facility will have a set amount of time to apply for a treatment works approval and tenant agreement application from NYNJPA and the Department for their treatment system. According to Michael Cranston, the owner of Bayonne Dry Dock, they are not affiliated with New York yard. So it seems as if you can move forward with you permit.  
Any questions, feel free to give me a call,  
Christine

Christine Blaney  
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Northern Bureau of Water Compliance and Enforcement  
7 Ridgedale Avenue  
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---

**From:** McEathron, Kimberly [<mailto:McEathron.Kimberly@epa.gov>]  
**Sent:** Friday, May 08, 2015 1:42 PM  
**To:** Blaney, Christine  
**Subject:** RE: Bayonne Dry Dock Order

Hi Christine,

What's the current status of the Bayonne Dry Dock case? Has the penalty been negotiated and paid? Kevin Nugent just submitted an application to get individual permit coverage for the NY facility (in response to EPA's Order) and so we will be going through that process etc. and didn't want to overwhelm Kevin and the company with additional work if they are still in the midst of working with NJDEP.

Thanks,

Kim

\*\*\*\*\*

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** Christine Blaney [<mailto:Christine.Blaney@dep.nj.gov>]  
**Sent:** Monday, August 25, 2014 3:16 PM  
**To:** McEathron, Kimberly  
**Cc:** Rich Paull; Don Hirsch; Christine Blaney; Kevin Ball  
**Subject:** Bayonne Dry Dock Order

Hi Kim,  
We had previously conducted a site visit together at Bayonne Dry Dock's facility back in April. Since that time I know you were interested in obtaining copies of the order once it was issued on our end. Attached is a copy of the cover letter and order signed by our Director. Feel free to call me with any questions.  
Thank you,  
Christine

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## Mceathron, Kimberly

---

**From:** Mceathron, Kimberly  
**Sent:** Wednesday, October 07, 2015 5:03 PM  
**To:** Rios, Jacqueline  
**Subject:** RE: Bayonne Dry Dock - DSW Permit

Interesting...

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** Rios, Jacqueline  
**Sent:** Wednesday, October 07, 2015 5:02 PM  
**To:** Mceathron, Kimberly <McEathron.Kimberly@epa.gov>  
**Subject:** RE: Bayonne Dry Dock - DSW Permit

So that was the last thing that I got from Pilar. I don't have a final, signed version with the changes she said they would make. I looked on G drive and it's not there. I don't know whether they would have mailed the final version to Michelle or not. The permit is not classified as a major permit, so I think that under the MOU they are not obligated to send it to us and they may not have.

---

**From:** Mceathron, Kimberly  
**Sent:** Wednesday, October 07, 2015 4:50 PM  
**To:** Rios, Jacqueline  
**Subject:** RE: Bayonne Dry Dock - DSW Permit

Hi Jacqueline,

I just realized I may not have the final permit. I just have a "propose" final permit from Pilar's email on 7/1 below but then she says on 7/2 that she will incorporate the suggested language and proceed. I have no emails after that with a permit. Did we get something since then?

Thanks!

Kim

~~~~~

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**Sent:** Wednesday, July 02, 2014 12:41 PM

**To:** Rios, Jacqueline <[Rios.Jacqueline@epa.gov](mailto:Rios.Jacqueline@epa.gov)>; Anderson, Kate <[Anderson.Kate@epa.gov](mailto:Anderson.Kate@epa.gov)>

**Cc:** Janice Brogle <[Janice.Brogle@dep.nj.gov](mailto:Janice.Brogle@dep.nj.gov)>; Susan Rosenwinkel <[Susan.Rosenwinkel@dep.nj.gov](mailto:Susan.Rosenwinkel@dep.nj.gov)>; 'Murphy,Jim' <[Jim.Murphy@dep.state.nj.us](mailto:Jim.Murphy@dep.state.nj.us)>; Rich Paull <[Rich.Paull@dep.nj.gov](mailto:Rich.Paull@dep.nj.gov)>; Josilo, Michelle <[Josilo.Michelle@epa.gov](mailto:Josilo.Michelle@epa.gov)>; McEathron, Kimberly <[McEathron.Kimberly@epa.gov](mailto:McEathron.Kimberly@epa.gov)>

**Subject:** RE: Bayonne Dry Dock - DSW Permit

Hi Jacqueline

Thanks for the quick response. We will incorporate your suggested language and proceed with permit issuance.

Happy Holiday Weekend!

Pilar

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**From:** Rios, Jacqueline [<mailto:Rios.Jacqueline@epa.gov>]

**Sent:** Wednesday, July 02, 2014 12:37 PM

**To:** Pilar Patterson; Anderson, Kate

**Cc:** Janice Brogle; Susan Rosenwinkel; 'Murphy,Jim'; Rich Paull; Josilo, Michelle; McEathron, Kimberly

**Subject:** RE: Bayonne Dry Dock - DSW Permit

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ensure the drydock is free of all source materials before it is filled with bay water. The pressure washwater shall be discharged through the treatment system via DSN 001A.

I will be out of the office tomorrow and Friday, but look forward to working with you to quickly resolve the above concerns.

Jacqueline Ríos, Acting Chief  
NPDES Section, Clean Water Regulatory Branch  
EPA Region 2, CWD  
Phone: 212-637-3859

---

**From:** Pilar Patterson [<mailto:Pilar.Patterson@dep.nj.gov>]  
**Sent:** Tuesday, July 01, 2014 1:58 PM  
**To:** Rios, Jacqueline; Josilo, Michelle; Anderson, Kate  
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Jacqueline

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**G.** Discharge of seepage water in graving dry docks from the dry dock walls or caisson, or stormwater runoff from the surface of dry docks when a vessel is being processed, is prohibited.”

In contrast, the Bayonne Dry Dock permit allows for treatment of pressure washing waters, seepage etc. with the expectation that this water will be treated to meet the effluent limits. As you know, the stormwater permit tends to focus more on BMPs rather than effluent limits and we will pass this language onto our stormwater group for consideration as they draft their separate NJPDES permit for stormwater discharges.

Similarly, the San Diego facility discharges all of its toxics wastes from drydock operations to the Metropolitan Sanitary Sewer System and are therefore prohibited from being discharged to the bay. The only discharges allowed to the Bay includes fire protection water, non-contact cooling water, floating drydock ballast tank water and floating drydock submergence/emergence water.

## Mceathron, Kimberly

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**From:** Mceathron, Kimberly  
**Sent:** Monday, July 11, 2016 8:49 AM  
**To:** Arcaya, Alyssa; Savino, Kathleen  
**Cc:** Arvizu, Christy; Adams, Darvene  
**Subject:** RE: Referral of Bayonne Dry Dock for CSI - DECA/DESA/CWD Workplan

Hi Kathy and Alyssa,

I'm just seeing this email chain now that I'm back and thought I could add some clarity. DECA doesn't typically do our own sampling so we often ask DESA to come in after one of our inspections to do sampling if we think the results would be beneficial. That's the case with Bayonne Dry Dock. After I did an inspection and after meeting with the NGOs, DECA thought it would be beneficial to know exactly what's being discharged and how much is being discharged from the Facility. So DESA's involvement at this Facility began this year and is relatively new.

EPA reviewed the draft BDD permit back when it was being written and I just took those same comments that weren't addressed and added it to the more recent PQR review of the final BDD permit.

Also, NJDEP issued an Order and Penalty to BDD (DECA did not) and I provided those documents to Kathy via email back in March.

I think Alyssa summarized the NGO concerns nicely but if there are any other questions feel free to contact me.

Thanks,

Kim

\*\*\*\*\*

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** Arcaya, Alyssa  
**Sent:** Wednesday, July 06, 2016 10:21 AM  
**To:** Savino, Kathleen <Savino.Kathleen@epa.gov>  
**Cc:** Arvizu, Christy <Arvizu.Christy@epa.gov>; Adams, Darvene <Adams.Darvene@epa.gov>; Mceathron, Kimberly <McEathron.Kimberly@epa.gov>  
**Subject:** RE: Referral of Bayonne Dry Dock for CSI - DECA/DESA/CWD Workplan

Hi Kathy,

I have to admit that I don't really understand how enforcement and inspection responsibilities are divided between DECA and DESA. Is it typical for a site like the Bayonne Dry Dock to have inspectors from both DESA and DECA assigned to it?

Our meeting with the NGO groups included ORC, ERRD and DECA (including Kim McEathron, who has inspected this dry dock in the past). I don't think we in CWD knew that DESA also assigned inspectors to the site, otherwise we would have

looped you in too. Our interest in this site is primarily to ensure the permit is written properly. The NGOs were concerned that the permits for this and other dry docks were improperly classified as minors and should be considered major permits. They argued that what the dry docks and DEP consider water transfers are in fact discharges, because the dry docks are not properly cleaned before being flooded with water. So to answer your question, the concern was primarily that chemicals from the stripping, cleaning and painting processes were contaminating the water and the nearby sediment.

As far as our role, we have not received a dry dock permit to review since fielding this meeting, but will do a close review when we have something to look at. And as you probably know, DECA did issue an Administrative Order and Notice of Civil Administrative Penalty Assessment in 2014, so you may want to touch base with them to coordinate on the issues that prompted those actions.

I'm around this week if you'd like to discuss further.

Alyssa

---

**From:** Savino, Kathleen

**Sent:** Tuesday, July 05, 2016 6:12 PM

**To:** Arcaya, Alyssa <[arcaya.alyssa@epa.gov](mailto:arcaya.alyssa@epa.gov)>

**Cc:** Arvizu, Christy <[Arvizu.Christy@epa.gov](mailto:Arvizu.Christy@epa.gov)>; Adams, Darvene <[Adams.Darvene@epa.gov](mailto:Adams.Darvene@epa.gov)>; Mceathron, Kimberly <[McEathron.Kimberly@epa.gov](mailto:McEathron.Kimberly@epa.gov)>

**Subject:** Referral of Bayonne Dry Dock for CSI - DECA/DESA/CWD Workplan

Hi Alyssa, I'm just reading your msg now. I would have liked to hear the NGO concerns. In our workplan w/DECA, this facility is listed w/referrals by EPA/DEP and "citizen group interest".

It would be most helpful if this citizen gp interest information was communicated somehow in the workplan mtgs or subsequently to the DESA Inspector assigned. For continuous improvement, perhaps your gp can identify ways to capture your recommendations for inspections into a more accessible format?

The NPDES Team here in DESA/MAB is continually looking for more engagement w/the Pgm Offices.

Thank you so much. Perhaps after my inspxn I will touch base w/you to find out more.

Can you generalize the concerns? E.g., are they worried material is going into the water? The air? Noise? Traffic?

Kathleen M. Foley

DESA Field Quality Assurance Coordinator

USEPA Region II

2890 Woodbridge Ave., MS-#220

Edison, NJ 08837-3679

**(732)321-6790** FAX 1-6616

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**From:** Arcaya, Alyssa

**Sent:** Tuesday, July 05, 2016 2:29 PM

**To:** Savino, Kathleen <[Savino.Kathleen@epa.gov](mailto:Savino.Kathleen@epa.gov)>

**Subject:** RE: NJDEP NJPDES Permit Pgm Review/Audit - Bayonne Dry Dock?

Hi Kathy,

It was Siegi Pylypchuk with help from Kim McEathron. Siegi will be in touch with you about their findings shortly.

In addition to this, we had a meeting with a few NGOs about a year and a half ago to listen to their concerns about this and a few other dry docks in the area. I don't have any meeting notes and they sent us no background materials but can give you an overview of their concerns if you'd like to discuss.

I'm pretty open today and tomorrow –x3730 if you'd like to talk.

Alyssa

---

**From:** Savino, Kathleen  
**Sent:** Tuesday, July 05, 2016 2:00 PM  
**To:** Arcaya, Alyssa <[arcaya.alyssa@epa.gov](mailto:arcaya.alyssa@epa.gov)>  
**Subject:** NJDEP NJPDES Permit Pgm Review/Audit - Bayonne Dry Dock?

Hi Alyssa,  
Do you know who from EPA conducted a NJPDES Permit Pgm Review Audit recently w/a focus on Bayonne Dry Dock? I'll be doing an inspxn there and have been advised about some of the issues of concern.

Kathleen M. Foley  
DESA Field Quality Assurance Coordinator  
USEPA Region II  
2890 Woodbridge Ave., MS-#220  
Edison, NJ 08837-3679

**(732)321-6790** FAX 1-6616

## Mceathron, Kimberly

---

**From:** Venezia, Stephen  
**Sent:** Wednesday, July 19, 2017 10:59 AM  
**To:** Mceathron, Kimberly  
**Subject:** RE: Kinder Morgan Draft Permit

Your welcome, enjoy, and I'll see you on the other side.

---

**From:** Mceathron, Kimberly  
**Sent:** Wednesday, July 19, 2017 10:48 AM  
**To:** Venezia, Stephen <Venezia.Stephen@epa.gov>  
**Cc:** Modigliani, Justine <Modigliani.Justine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>  
**Subject:** RE: Kinder Morgan Draft Permit

Hi Steve,

Attached are my comments on the draft Kinder Morgan permit. I will also be taking some vacation time the first 2 weeks in August so I wanted to get this to you before then. I will be back in the office August 15<sup>th</sup> as well, so if you have any questions we can discuss it then. Thanks and I appreciate the opportunity to review and comment on it.

Kim

~~~~~

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** McKenna, Douglas  
**Sent:** Monday, July 17, 2017 8:04 AM  
**To:** Mceathron, Kimberly <[McEathron.Kimberly@epa.gov](mailto:McEathron.Kimberly@epa.gov)>  
**Cc:** Modigliani, Justine <[Modigliani.Justine@epa.gov](mailto:Modigliani.Justine@epa.gov)>  
**Subject:** FW: Kinder Morgan Draft Permit

---

**From:** Venezia, Stephen  
**Sent:** Monday, July 17, 2017 7:43 AM  
**To:** McKenna, Douglas <[McKenna.Douglas@epa.gov](mailto:McKenna.Douglas@epa.gov)>  
**Cc:** Wong, Virginia <[Wong.Virginia@epa.gov](mailto:Wong.Virginia@epa.gov)>  
**Subject:** FW: Kinder Morgan Draft Permit

Doug,

You may want to pass the individual permit for the Kinder Morgan facility with the huge salt pile on to your staff who inspects this facility. I think it was Kim?

I will be out of the office from 7/31 to 8/14 and won't be back on until Tuesday 8/15.

If your inspector would like to make comments, please have that person forward any comments to me by COB 8/14 so I can start finalizing comments by 8/15; they are due 8/18.

Thanks,

Steve

---

**From:** Murphy, James [<mailto:James.Murphy@dep.nj.gov>]  
**Sent:** Wednesday, July 12, 2017 9:58 AM  
**To:** Steinberg, Richard <[Richard\\_Steinberg@kindermorgan.com](mailto:Richard_Steinberg@kindermorgan.com)>  
**Cc:** Nolau, Manuel <[Manuel.Nolau@dep.nj.gov](mailto:Manuel.Nolau@dep.nj.gov)>; Paull, Rich <[Rich.Paull@dep.nj.gov](mailto:Rich.Paull@dep.nj.gov)>; Venezia, Stephen <[Venezia.Stephen@epa.gov](mailto:Venezia.Stephen@epa.gov)>; Krukowski, Eleanor <[Eleanor.Krukowski@dep.nj.gov](mailto:Eleanor.Krukowski@dep.nj.gov)>  
**Subject:** Kinder Morgan Draft Permit

Attached is the draft permit for Kinder Morgan Bulk Terminals in Newark. The permit is scheduled to be published in the 7/19/17 NJDEP Bulletin, marking the start of the 30-day comment period. The comment period ends Friday August 18<sup>th</sup>.

Jim Murphy, Chief  
Bureau of Non-point Pollution Control  
Division of Water Quality  
401 E. State Street  
Mail Code 401-02B, PO Box 420  
Trenton, NJ 08625-0420  
[James.Murphy@dep.nj.gov](mailto:James.Murphy@dep.nj.gov)  
609-633-7021

## Mceathron, Kimberly

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**From:** Mceathron, Kimberly  
**Sent:** Wednesday, August 16, 2017 11:56 AM  
**To:** Venezia, Stephen  
**Subject:** Kinder Morgan - Port Newark

Hi Steve,

According to dataminer, NJDEP conducted inspections at Kinder Morgan – Port Newark on 11/16/2015 and 1/12/2016 and identified violations of the NJPDES permit at both inspections. The NJDEP issued a penalty for NJPDES noncompliance with the settlement agreement dated 10/28/2016 and a \$7,500 penalty.

Let me know if you need or want more details.

Thanks,

Kim

~\*~\*~\*~\*~\*~\*~\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

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Fax: (212) 637-3953



## Mceathron, Kimberly

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**From:** Mceathron, Kimberly  
**Sent:** Thursday, August 17, 2017 11:51 AM  
**To:** Venezia, Stephen  
**Subject:** RE: Kinder Morgan Individual Permit Comments

Hi Steve,

I looked through the document and you've fully captured the context of my comments. As we discussed, I'm okay with you removing the 1<sup>st</sup> comment.

Thanks!

Kim

\*\*\*\*\*

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290 Broadway - 20th Floor  
New York, NY 10007  
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**From:** Venezia, Stephen  
**Sent:** Thursday, August 17, 2017 11:28 AM  
**To:** Mceathron, Kimberly <McEathron.Kimberly@epa.gov>; Kogan, Joshua <Kogan.Joshua@epa.gov>  
**Subject:** Kinder Morgan Individual Permit Comments

Kim and Josh,

I have put the comments together. I tweaked a few of the comments for style.

Please check to ensure that I haven't changed the context of any of your comments and included all of them.

Unfortunately, I need a quick turnaround on this request.

If you could get back to me by 2:30 PM today, I'll have time to make any corrections before I leave and get them to Virginia for review.

Also, Kim, your first comment has been a comment I have made to them in the past on general permits. The numbering is confusing but it's some internal NJDEP thing. I have included the comment but if you don't mind, I'd like to remove it. But if you want to keep it, that's OK too, but I know NJDEP won't change. What do you think?

At 2:30 I'm going to assume you are fine with the comments and forward them to Virginia.

Thanks,

Steve

## Mceathron, Kimberly

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**From:** Wong, Virginia  
**Sent:** Friday, August 18, 2017 11:27 AM  
**To:** James.Murphy@dep.nj.gov  
**Cc:** Venezia, Stephen  
**Subject:** Official EPA Comments to NJDEP on Kinder Morgan Individual Permit  
**Attachments:** EPA email June 2014.pdf; EPA Comments - Kinder Morgan 2017 SW IP 08-18-17.pdf

Hello Jim,

EPA is providing comments to the July 12, 2017, NJDEP draft Individual Stormwater Permit written for Kinder Morgan Bulk Terminals Inc. (NJDEP number NJ0117838). The comments are attached to this e-mail.

We deem these to be significant public comments; therefore, pursuant to Part Two, Section II of the 1982 Memorandum of Agreement between the United States Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (NJDEP), NJDEP is to submit a proposed permit to EPA for review. If our comments on the draft permit are not addressed in the proposed permit, we reserve the right to object to the proposed permit.

If you have any questions or comments, please contact Stephen Venezia of my staff at (212) 637-3856 or e-mail him at [venezia.stephen@epa.gov](mailto:venezia.stephen@epa.gov).

Thank you,

Virginia Wong, Acting Chief  
Clean Water Regulatory Branch  
Clean Water Division  
212-637-4241 - [wong.virginia@epa.gov](mailto:wong.virginia@epa.gov)

## Mceathron, Kimberly

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**From:** Mceathron, Kimberly  
**Sent:** Monday, September 18, 2017 9:13 AM  
**To:** Venezia, Stephen  
**Subject:** RE: Re: Kinder Morgan

Hi Steve,

I would need more specifics to be certain which enforcement route we would take but here's a few options.

- A. If they are pumping during dry weather in the past we've done enforcement as follows:
  - 1. Issue Administrative Order to the Facility for unpermitted discharges (the stormwater permit didn't authorize this non-stormwater discharge) and require them to cease discharges or obtain permit coverage for those discharges. And/or
  - 2. Issue Administrative Order to the permitted MS4 requiring them to implement and enforce the required Illicit Discharge Elimination Program.
- B. If they are pumping stormwater during wet weather in the past we've done enforcement as follows:
  - 1. Issue Administrative Order for any lacking BMPs, exposed pollutants, to minimize/eliminate pollutants in stormwater discharges per Permit requirements.
  - 2. Ensure that pumps are operated, maintained and monitored in such a way that eliminates potential for dry weather discharges. If not, dry weather discharges would be treated as A. above.

Kim

\*\*\*\*\*

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DECA-Water Compliance Branch  
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---

**From:** Venezia, Stephen  
**Sent:** Friday, September 15, 2017 1:36 PM  
**To:** Mceathron, Kimberly <McEathron.Kimberly@epa.gov>  
**Subject:** Re: Re: Kinder Morgan

Kim,

If you had, would there have been anything EPA would have done from an enforcement prospective?

Thanks,

Steve

---

**From:** Mceathron, Kimberly  
**Sent:** Friday, September 15, 2017 1:32:41 PM

**To:** Venezia, Stephen  
**Subject:** RE: Re: Kinder Morgan

Hi Steve,

When I inspected the Facility back in 2011 I did not observe hoses or pumps on site discharging to the MS4.

Kim

\*\*\*\*\*

Kimberly McEathron  
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U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
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---

**From:** Venezia, Stephen  
**Sent:** Thursday, September 14, 2017 3:38 PM  
**To:** Mceathron, Kimberly <[McEathron.Kimberly@epa.gov](mailto:McEathron.Kimberly@epa.gov)>  
**Subject:** Re: Kinder Morgan

Kim,

When you inspected the Kinder Morgan facility, did you notice that they were pumping water from the site by hose into the MS4 system?

If so, did you have any comments or thoughts on that matter?

Thanks,

Steve

## Mceathron, Kimberly

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**From:** Wong, Virginia  
**Sent:** Tuesday, September 19, 2017 3:01 PM  
**To:** Mceathron, Kimberly  
**Subject:** RE: CONFIRMED - Official EPA Comments to NJDEP on Kinder Morgan Individual Permit

Hey Kim,

Just want to let you know that we are running late.

Virginia

---

**From:** Mceathron, Kimberly  
**Sent:** Tuesday, September 19, 2017 10:27 AM  
**To:** Wong, Virginia <Wong.Virginia@epa.gov>  
**Subject:** RE: CONFIRMED - Official EPA Comments to NJDEP on Kinder Morgan Individual Permit

Great. Thank you.

\*\*\*\*\*

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DECA-Water Compliance Branch  
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290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

---

**From:** Wong, Virginia  
**Sent:** Tuesday, September 19, 2017 10:10 AM  
**To:** Mceathron, Kimberly <[McEathron.Kimberly@epa.gov](mailto:McEathron.Kimberly@epa.gov)>  
**Cc:** Venezia, Stephen <[Venezia.Stephen@epa.gov](mailto:Venezia.Stephen@epa.gov)>  
**Subject:** RE: CONFIRMED - Official EPA Comments to NJDEP on Kinder Morgan Individual Permit

Hi Kimberly,

Please use the following Meet-Me call in information for calling in.

Meet-Me call in info:  
Conference Number: 9-1-844-637-3111  
Conference Extension: 84241  
press (2), enter access code:123456

Thanks,  
Virginia

---

**From:** Mceathron, Kimberly  
**Sent:** Tuesday, September 19, 2017 9:44 AM  
**To:** Carabelli, Deanna <[Deanna.Carabelli@dep.nj.gov](mailto:Deanna.Carabelli@dep.nj.gov)>  
**Cc:** Wong, Virginia <[Wong.Virginia@epa.gov](mailto:Wong.Virginia@epa.gov)>; Venezia, Stephen <[Venezia.Stephen@epa.gov](mailto:Venezia.Stephen@epa.gov)>  
**Subject:** RE: CONFIRMED - Official EPA Comments to NJDEP on Kinder Morgan Individual Permit

Hi Deanna,

I will be participating by phone if there's a call in number I can use that would be great.

Thanks,

Kim

\*\*\*\*\*

Kimberly McEathron  
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U.S. Environmental Protection Agency  
290 Broadway - 20th Floor  
New York, NY 10007  
Phone: (212) 637-4228  
Fax: (212) 637-3953

-----Original Appointment-----

**From:** Carabelli, Deanna [<mailto:Deanna.Carabelli@dep.nj.gov>]

**Sent:** Tuesday, September 19, 2017 9:10 AM

**To:** Brogle, Janice; Putnam, Michele; Murphy, James; Jason Lonardo; Wong, Virginia; Venezia, Stephen; Arcaya, Alyssa; Kogan, Joshua; Gratz, Jeff; Mceathron, Kimberly; Kennedy, Dan

**Cc:** Samonski, Sue; Zuckerman, Katherine; Laureano, Javier

**Subject:** CONFIRMED - Official EPA Comments to NJDEP on Kinder Morgan Individual Permit

**When:** Tuesday, September 19, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** EPA R2 EDISON

The meeting will be held in Conference room R2NJ-205A-RM-5107-60p.

EPA Edison Office  
2890 Woodbridge Avenue,  
Building 205 ground floor  
Edison, NJ 08837

## Mceathron, Kimberly

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**From:** Mceathron, Kimberly  
**Sent:** Tuesday, September 19, 2017 3:41 PM  
**To:** Venezia, Stephen  
**Cc:** Wong, Virginia  
**Subject:** Port Newark MS4  
**Attachments:** Newark SPPP\_Dec 2015.pdf

Hi Steve,

It was hard for me to hear on the phone but it sounded like there was some discussion about the MS4 Kinder Morgan discharges to. I looked back in my City of Newark material and confirmed what I had thought, that the City's MS4 doesn't include the Port where Kinder Morgan is located. Ssee the attached document at page 6 of the pdf (labelled page 2). It depicts the Newark MS4 which doesn't include the Port. The City representatives told me that the Port is a separate MS4 (not sure if its permitted)...

Since NJDEP reps didn't seem clear on this, I'm curious if Port Newark is an MS4 or not, and if it should be. It is located within the City's municipal boundaries so should it be part of their MS4?

Thanks,

Kim

\*\*\*\*\*

Kimberly McEathron  
DECA-Water Compliance Branch  
U.S. Environmental Protection Agency  
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